

Order

Michigan Supreme Court
Lansing, Michigan

June 23, 2008

Clifford W. Taylor,
Chief Justice

132638

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 132638
COA: 273480
Kent CC: 00-007618-FC

BENNIE A. McELWAIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 2, 2006 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

CAVANAGH, J., would grant leave to appeal.

KELLY, J., would grant leave to appeal for the reasons set forth in her dissenting statement in *People v Houlihan*, 480 Mich 1165 (2008).



d0616

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 23, 2008

Corbin R. Davis

Clerk